

11 October 2013

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anna.barker@accc.gov.au

Anna Barker

Director, NBN Co Access Co-ordination – Communications Group

Australian Competition and Consumer Commission

Level 35, 360 Elizabeth Street

Melbourne, VIC 3000

Dear Ms Barker,

Statement of differences—extension of Lord Howe Island technical trial

NBN Co Limited (**NBN Co**) and Australian Private Networks Pty Ltd ABN 27 103 009 552 (**APN**) entered into the Satellite Testing Terms and Conditions (**Testing Terms**) on 4 July 2013, and into the Testing Description: Lord Howe Island Technical Trial (the **Testing Description**) on 9 July 2013. APN is the only access seeker that has entered into the Testing Description to date.

Both the Testing Terms and Testing Description are available on NBN Co's website as a standard form of access agreement (**SFAA**).

When entered into by APN, the term of the Lord Howe Island Technical Trial (**LHI Trial**) expired on 30 September 2013. On 27 September 2013, NBN Co sent an extension notice to APN that, as contemplated by the Test Description, the LHI Trial would be extended until 30 November 2013 (**Extension Notice**). The SFAA was not updated before NBN Co provided the Extension Notice to APN.

Accordingly, NBN Co provides this statement of differences in the form specified in the *Part XIC non-discrimination guidelines* published by the ACCC in April 2012.

As required, enclosed is a marked-up copy of the Testing Description, for the purpose of specifying how the access agreement entered into by APN on 27 September 2013 differs from the SFAA published as at that date.

Any terms not defined in this letter should be read as defined in the attached Testing Description.

NBN Co provides this statement of differences having regard to section 152BEBA of the CCA.

Yours sincerely



Caroline Lovell

Head of Regulatory Affairs & Industry Analysis

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